UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA HAMMOND DIVISION

CONNECTICUT GENERAL LIFE INSURANCE COMPANY, et al.,)	
Plaintiffs,)	
v.)	Case No. 2:15-CV-253-JD
NORTHWEST REGIONAL SURGERY CENTER, LLC, et al.,)	
Defendants.)	

ORDER

Plaintiffs' original complaint alleged that various surgery centers named as Defendants engaged in fraudulent "dual pricing" and "fee forgiving" schemes, whereby the surgery centers charged their patients little or nothing for out-of-network medical services while charging exorbitant rates to the patients' health insurance plans administered through Cigna [DE 1]. After the Defendants filed a motion to dismiss for failure to state a claim [DE 35], the Plaintiffs responded by filing an amended complaint [DE 37] which no longer alleges claims under the Racketeer Influenced and Corrupt Organizations Act, but adds claims for intentional interference with prospective business and civil conspiracy.

Because the Plaintiffs have filed an amended complaint, the original complaint, which was the subject of the Defendants' motion to dismiss, is of no further effect. *Duda v. Bd. of Educ. of Franklin Park Pub. Sch. Dist. No. 84*, 133 F.3d 1054, 1057 (7th Cir. 1998) ("Once an amended pleading is filed, it supersedes the prior pleading.") (citing *Wellness Community-National v. Wellness House*, 70 F.3d 46, 49 (7th Cir. 1995)); *Barnett v. Daley*, 32 F.3d 1196, 1198 (7th Cir. 1994); *Buck v. New York Cent. R.R.*, 275 F.2d 292, 293 (7th Cir. 1960). "The prior

USDC IN/ND case 2:15-cv-00253-JD-PRC document 38 filed 10/06/15 page 2 of 2

pleading is in effect withdrawn as to all matters not restated in the amended pleading, and

becomes functus officio." Duda, 133 F.3d at 1057 (citation and footnote omitted). Because the

Plaintiffs' amended complaint is the only complaint before the Court, the original complaint [DE

1] is a nullity. Therefore, the motion to dismiss the original complaint [DE 35] is DENIED AS

MOOT.

SO ORDERED.

ENTERED: October 6, 2015

/s/ JON E. DEGUILIO

Judge

United States District Court

2